

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|--------------|
| ESTATE OF BERNICE GOLDBERG, | : | |
| by the EXECUTOR GARY GOLDBERG, | : | |
| | : | CIVIL ACTION |
| Plaintiff, | : | |
| | : | |
| v. | : | NO. 14-980 |
| | : | |
| PHILIP NIMOITYN, M.D., KENNETH | : | |
| ROSENBERG, M.D., JAY SELLERS, | : | |
| M.D., CARDIOVASCULAR | : | |
| ASSOCIATES, THOMAS JEFFERSON | : | |
| UNIVERSITY HOSPITAL, (John, Jane, | : | |
| Corporate, LLC, Associations, P.C., Does, | : | |
| | : | |
| Defendants. | : | |

ORDER

AND NOW, this *8th* day of *December*, 2014, upon consideration of the Motion to Dismiss and Motion to Strike by Defendants Philip Nimoityn, M.D., Kenneth Rosenberg, M.D., Jay Sellers, M.D., Mitul Kanzaria, M.D., Michael Baram, M.D., Cardiovascular Medical Associates, and Thomas Jefferson University (collectively “Defendants”) (Docket No. 20), the Letter Brief in Response by Plaintiff Gary Goldberg (Docket No. 23), and Defendants’ Reply Brief (Docket No. 24), it is hereby **ORDERED** as follows:

1. Defendants’ Motion to Dismiss all claims against Defendants Rosenberg, Kanzaria, Baram, and Cardiovascular Medical Associates is **GRANTED**;
2. Defendants’ Motion to Dismiss any new claims against Defendant Thomas Jefferson University Hospital is **DENIED**;
3. Defendants’ Motion to Dismiss Plaintiff’s claims for punitive damages is **DENIED**;
4. Defendants’ Motion to Strike is **GRANTED IN PART** and **DENIED IN PART**,

and paragraphs 54, 55, 57, 58, and 59 shall be **STRICKEN** from the Second Amended Complaint.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.